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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,542	02/09/2004	Lau Man Yiu	60036.0008US01	8963

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EXAMINER
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ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/774,542

Applicant(s)

YIU, LAU MAN

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 03/17/04 has been considered by the examiner.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the battery housing within the recessed area, see claims 15 and 17, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 9, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Takacs (US 2,840,228).

Takacs teaches a model package kit having an illuminated display comprising:

- a frame member (42) having an exterior side, an interior side, an inner perimeter, and a center opening defined by the inner perimeter;
- a housing (14,28,36,44,46) mounted to the frame member and extending outward from the interior side of the frame member (42),

the housing including:

- a rear wall (28), the rear wall having an edge extending around the perimeter of the rear wall;
- a side member (14) having opposing ends,
- the first end mounted to the edge of the rear wall (28) and the second end disposed adjacent the interior side of the frame member (42); and

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a recessed area defined by the rear wall (28) and the side member (14),

wherein the recessed area has a depth sufficient for containing a three-dimensional object (see column 2, lines 31-34);

a light source (48) mounted within the recessed area, the light source illuminating the three-dimensional object contained within the recessed area of the housing;

a transparent plastic/acrylic plate (40) located within the center opening of the frame member, the transparent plate spaced apart from the rear wall (28) of the housing, the length and width of the transparent plate being greater than the center opening, see Figures 1, 4, and 7; and

a power source (50) conductively connected to the light source for illuminating the light source.

For claims 2-3, Takacs teaches a means for supporting a three dimensional object which is a shelf (18, 32) extending outward from the rear wall less than the width of the recessed area of the housing.

Note, the power source includes a battery housing for holding at least one battery for illuminating the light source.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs as applied to claim 1, in view of Herrin et al. (US 3,503,147).

Takacs teaches a model package kit having an illuminated display which includes the claimed limitations except wherein the means for supporting the three dimensional object includes an adhesive material.

Herrin et al. teaches display devices which include using an adhesive material to mount the means (38) for supporting a three-dimensional object, see column 2, lines 51-62, to provide a novel display which is attractive in appearance and versatile in use.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated display of Takacs, as applied to claim 1, to include using an adhesive material to mount the means for supporting a three-dimensional object, as taught by Herrin et al., to provide a novel display which is attractive in appearance and versatile in use.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs as applied to claim 1, in view of Glucksman et al. (US 4,819,353).

Takacs teaches a model package kit having an illuminated display which includes the claimed limitations except wherein the lighting source extends around the side member of the housing.

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Glucksman et al. teaches an illuminated picture frame wherein the lighting source (14) extends around a side member (2) of the housing (1) and is attached to the side member (2) of the housing adjacent the interior side of the frame member such that the light source is not visible to a viewer to provide a low cost picture frame where the shape of the frame box can be altered according to different tastes where the shape lends itself to mass production.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated display of Takacs, as applied to claim 1, to include wherein the lighting source extends around a side member of the housing and is attached to the side member of the housing adjacent the interior side of the frame member such that the light source is not visible to a viewer, as taught by Glucksman et al., to provide a low cost picture frame where the shape of the frame box can be altered according to different tastes where the shape lends itself to mass production.

Note the lighting source comprises a plurality of bulbs conductively and flexibly connected to each other.

6. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs and Glucksman et al., as applied to claim 6, in further view of Hermann (US 5,555,654).

Takacs and Glucksman et al., as applied to claim 6 teaches a modified model package kit having an illuminated display which includes the claimed limitations except

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wherein the lighting source is a flexible light strip encased by a heat resistant material for absorbing the heat of the bulbs and the transparent plate is a sheet of glass.

Hermann teaches frames having lighting which include a wherein the transparent plate (30) is a sheet of glass and a flexible light strip (51) covered by a heat resistant material (52) to absorb the heat of the light source.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated display of Takacs and Glucksman et al., as applied to claim 6, to include wherein the transparent plate is a sheet of glass and the lighting source is a flexible light strip encased by a heat resistant material to absorb the heat of the light source.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs and Glucksman et al, as applied to claim 6, in view of Jenkins (US 5,426,573).

Takacs and Glucksman et al., as applied to claim 6 teaches a modified model package kit having an illuminated display which includes the claimed limitations except wherein the light source is at least one fluorescent lamp.

Jenkins teaches a recessed light unit for a casket lid that includes wherein the light source is at least one fluorescent lamp (36, see column 4, line 38) to provide a source of light which allow the use of light sources with the placement being chosen to best enhance the image being viewed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated display of Takacs and Glucksman et al., as applied to



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claim 6 to include wherein the light source is at least one fluorescent lamp, as taught by Jenkins, to provide a source of light which allow the use of light sources with the placement being chosen to best enhance the image being viewed.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs, as applied to claim 1, in Jenkins (US 5,426,573).

Takacs teaches a model package kit having an illuminated display that includes the claimed limitations except a plurality of bracket members for mounting the housing to the interior side of the frame member and wherein the light source is at least one fluorescent lamp.

Jenkins teaches a recessed light unit for a casket lid that includes a plurality of bracket members (20,22,24, 26,28,30) for mounting the housing (12,14,16,18) to the interior side of a frame member (10) to provide a low cost casket illumination system which is inexpensive to manufacture.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the illuminated display of Takacs, as applied to claim 1, a plurality of bracket members for mounting the housing to the interior side of a frame member, as taught by Jenkins, to provide a low cost casket illumination system which is inexpensive to manufacture.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs, as applied to claim 9, in view of Reeve (US 2,549,928).

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Takacs teaches a model package kit having an illuminated display including the claimed limitations except wherein the frame member further includes a notch/groove portion.

Reefe teaches an illuminated picture frame which includes wherein the interior side of the frame member further comprises a notch/groove portion (16) for retaining a transparent plate (17), the notch portion extending along the inner perimeter of the frame member (11,12, 13, 14) to provide a frame which illuminates the article frame without lighting objects outside of the frame.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the model package kit having an illuminated display of Takacs to include wherein the interior side of the frame member further comprises a notch/groove portion for retaining a transparent plate, the notch portion extending along the inner perimeter of the frame member, as taught by Reefe, to provide a frame which illuminates the article frame without lighting objects outside of the frame.

10. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takacs, as applied to claim 9, in view of Warner (US 5,313,724).

Takacs teaches a model package kit having an illuminated display including the claimed limitations except wherein the power source includes a battery housing on the side member of the housing within a recess are such that the power source is not visible to a viewer.

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Warner teaches a picture frame illumination apparatus including a battery pack (18) or selectively an alternating current power supply (20) within a housing cavity (15) such that the power source is not visible to a viewer, the battery housing having a compartment for holding at least one battery therein for illuminating the light source, to provide a low cost picture frame illumination apparatus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the model package kit having an illuminated display of Takacs to include a battery pack or selectively an alternating current power supply within a housing cavity such that the power source is not visible to a viewer, the battery housing having a compartment for holding at least one battery therein for illuminating the light source, as taught by Warner, to provide a low cost picture frame illumination apparatus.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lan teaches an illuminated photo frame.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal  
5/31/2005

Paul Royal  
Examiner  
Art Unit 3611



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